

**POSITION DESCRIPTION
ATTORNEY-ADVISER
GS-0905-15**

I. INTRODUCTION

Organizational Location: This position is located in the Office of Regional Counsel (ORC), Region III, U.S. Environmental Protection Agency (EPA), Philadelphia, Pennsylvania.

Primary Purpose: The incumbent serves as a recognized national authority in one or more of the following areas: Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) enforcement and/or counseling matters, Clean Air Act (CAA) enforcement and/or counseling matters, Clean Water Act (CWA) enforcement and/or counseling matters, Toxic Substances Control Act (TSCA) enforcement and/or counseling matters, Safe Drinking Water Act (SDWA) enforcement and/or counseling matters, Resource Conservation and Recovery Act (RCRA) enforcement and/or counseling matters, the Emergency Planning and Community Right to Know Act (EPCRA), Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) enforcement and/or counseling matters, the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), Freedom of Information Act (FOIA), Privacy Act (PA) and/or provides expert legal and policy advice to managers of EPA grant and contract programs; labor and employment law, ethics and other general law matters. Incumbent serves as a consultant to other attorneys in Region III, the Agency and states within Region III. This position requires a very high degree of legal expertise, extensive legal research, policy analysis, and consideration of very complicated legal, factual and policy issues.

II. MAJOR DUTIES AND RESPONSIBILITIES

At this level, the incumbent is responsible for all legal and policy aspects of specified environmental programs and/or general law areas within ORC, such as CERCLA, CAA, CWA, TSCA, SDWA, RCRA, EPCRA, NEPA, ESA, FIFRA, FOIA, PA and/or grants and contracts law, labor and employment, ethics and other general law matters.

The incumbent is an authority on all regulatory and enforcement matters, which involve a wide variety of complex and unusual issues, requiring substantial knowledge of the programs, a substantial degree of legal expertise, extensive legal research and analysis, and consideration of complicated legal, factual and policy issues.

The incumbent is responsible for interpreting for the Regional Administrator, Deputy Regional Administrator and senior regional program managers major aspects of very complex environmental statutes, federal grants and contracts law, a substantial body of intricate Agency regulations, Federal case law interpreting and applying the statutes and regulations, and defending the statutes, regulations, and Agency actions in

Deputy Regional Administrator and Assistant Regional Administrator legal and policy advice concerning the interpretation of Federal environmental statutes. These interpretations are tantamount to a final decision. The incumbent possesses an extensive knowledge of the legal, policy, technical, and scientific matters involved in these programs and is charged with resolving difficult problems requiring a high degree of professional judgment and discretion, substantial individual responsibility and personal initiative.

D. Incumbent provides legal advice and policy recommendations to managers of Agency grant and/or contract programs. Incumbent advises on the eligibility for Agency funding of cost items under Agency grants, including cost overruns by contractors on Agency-funded projects. Works closely with the Agency's Office of Inspector General in resolving problems arising under audit activities and investigations. Drafts special grant conditions to cover unusual or unique situations. Assists state attorneys in interpreting federal statutes and regulations administered by the Agency, advising on the handling of matters, and generally supporting the programs which have been delegated by the Agency to state agencies. Advises Agency personnel on interpretation and application of the Federal Acquisition Regulations and Agency contracting rules and guidance. Prepares final Agency decisions on bid protests arising under Agency contracts, or under grantee procurement. Coordinates the Region's participation in grant appeal proceedings and/or contract appeals.

E. The incumbent provides written and oral legal advice, policy interpretations and recommendations, and comments on directives and other written materials to the Regional Counsel and the programs to assure that all assigned activities, programs, and functions are carried out in compliance with governing laws, regulations, and applicable judicial interpretations and in a manner consistent with applicable policy and guidance. Through the Regional Counsel, the incumbent provides comments on the development of national policy and directives and guidance to assist in assuring that they are within the Agency's authority and are legally effective.

F. The incumbent drafts and reviews final Agency determinations, proposed and final regulations, notices and other documents to be published in the Federal Register, such as Agency actions on state air pollution implementation plans, designations of sole source aquifers under the SDWA, approvals and authorizations of state programs under the CWA, CAA, RCRA, FIFRA and other environmental statutes, grant appeals, the terms and conditions of permits, notices of deficiency, notice letters, information request letters, administrative complaints and orders, to ensure the enforceability and defensibility of these terms and conditions.

G. The incumbent assists the Agency's inspection personnel by obtaining search warrants when necessary to gain legal entry to facilities to determine whether violations exist under a neutral inspection scheme, or affirming the existence of suspected violations. For example, the incumbent advises regional inspection personnel of legal requirements for maintaining chain of custody and the physical integrity of samples and advises regional personnel required to testify in civil cases, criminal cases, or

organizations or groups; and recommends revisions to Agency policies, practices and regulations so as to make them more efficacious while maintaining compliance with the law.

J. The incumbent serves as liaison on statute specific areas, such as CERCLA cost recovery, CWA Combined Sewer Overflows, and CAA Title V, between the Region and OGC and OECA to provide an effective channel of communication to assure that the Region obtains legal advice from OGC and policy advice from OECA, and also to assure that such office is able to base such judgments and such advice upon accurate perceptions of the pertinent facts and regional program objectives.

K. The incumbent serves as a recognized authority (Practice Group Leader) in one or more areas of practice under the incumbent's statute specific area of expertise and serves as a consultant to other attorneys in the Agency and the Region. Advice is provided, as requested, to other offices including municipal and state offices, other regional EPA offices, other Federal agencies, and other Headquarters and DOJ attorneys. Maintains a specialized knowledge and experience in this area and serves as a consultant to program personnel in the Agency as requested. Represents the Office of Regional Counsel and/or Region III on Agency-wide task forces and workgroups.

L. Performs other related duties as assigned.

III. FACTORS

Factor 1 - Knowledge Required by the Position

Mastery of all legal and policy aspects of environmental statutes necessary to interpret and enforce statutory and regulatory provisions is required, and/or mastery of the Federal Acquisition Regulations, Agency contracting rules and guidance and Agency grant programs. A thorough knowledge of the Federal Rules of Civil Procedure and the Federal Rules of Evidence is needed to properly prepare civil litigation matters for trial. In addition, a thorough familiarity with legal research techniques, including Lexis/Westlaw, is essential to effectively and efficiently perform extensive legal research. Finally, knowledge of the technical aspects of environmental law requirements is required to allow a good understanding of the enforceability of permits, status of compliance of various facilities and requirements for clean-up of various sites.

Factor 2 - Supervisory Controls

The incumbent reports to one of the Branch Chiefs in ORC. At the time an assignment is made, the supervisor may discuss the significance of the program and the background, but the incumbent independently conducts analysis, plans approach, and prepares reports, memoranda, motions, briefs, supporting documents, and other documents. Completed work is reviewed only for effectiveness and possible precedent effect. All work is legally sufficient. The incumbent keeps the Branch Chiefs, the Office

Contacts are with the various U.S. Attorneys and their assistants, attorneys with DOJ in Washington, State Attorneys General, Congressional committees and individual legislators, the General Accounting Office (GAO), governors of states and staff offices of governors, various senior state and federal managers, mayors, councilmen, corporate representatives and technical and legal staff from both the Agency and industry. Prepares and delivers advice and testimony to state legislative bodies.

Factor 7 - Purpose of Contacts

Contacts with technical and legal staff are for the purpose of evaluating the compliance with applicable laws. Contacts with Congressional committee, GAO, governors of states and staff are to give expert legal advice with respect to many novel situations and problems arising from the administration of Regional programs. Contacts with mayors, councilmen, corporate representatives, etc., are for the purpose of discussing compliance efforts, controversial environmental issues, enforcement posture of the Agency and negotiations designed to arrive at a mutually acceptable solution to the environmental problems. Contacts with U.S. Attorneys are to discuss the viability of civil or criminal litigations, to provide the necessary trial or pretrial briefs, and to discuss the negotiation and settlement of cases pending in the various judicial districts. Contacts with state legislative bodies are in connection with their deliberations on assumption of responsibilities for programs to be delegated to the Agency.

Factor 8 - Physical Demands

The work involves no unusual physical demands other than the ability to travel by car or by air.

Factor 9 - Work Environment

There is no significant risk or discomfort imposed by the physical surroundings.

IV. QUALIFICATIONS

The incumbent must have an LL.B. or J.D. degree from an accredited law school and must be admitted to practice before the highest court of a State or the District of Columbia. The incumbent must have substantial experience in providing legal advice and counsel at EPA, other Federal or State agencies, or in private practice.